IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5876 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

WAGHJI ODHAVJI GARALA

Versus

GRAM-PANCHAYAT

Appearance:

MR MD RANA for Petitioners

MR PM THAKKAR for Respondent No. 1

CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 04/08/2000

ORAL JUDGEMENT

1. In this petition under Article 226 of the Constitution of India, the petitioners have prayed for following reliefs in para-7 of the petition :-

(1) The writ of mandamus or certiorari or any appropriate form or direction be issued quashing and setting aside the orders suspending the petitioners from service under the order of the Sarpanch dated 25.8.1984 kept at Annexures A & B;

(2) A writ of mandamus be issued directing the Gram Panchayat reinstating the petitioners forthwith and direction to pay them the full salary and arrears as if they were not suspended.

(3) An interim order be also issued in appropriate terms to give atleast a provisional reasonable sum pending the disposal and admission of the writ petition and reinstatement.

2. I have gone through the petition. Learned Counsel Mr. Pahwa appearing for Mr. P.M.Thakkar, learned counsel for the petitioners states that this matter has become infructuous. The petitioners have been acquitted in the criminal case filed against them and respondents have reinstated them in service of Movaiya Gram Panchayat. Mr. Pahwa further states that Panchayat had reinstated petitioners in service in the year 1991. I am also told that after reinstatement, the petitioners were again dismissed from services as they were found involved in some another criminal offence of forgery and against the order of dismissal, petitioners have taken other recourse in accordance with law.

3. Under the circumstances, petition stands disposed of as having become infructuous with an observation that in case of difficulty, it would be open for the petitioners to revive this petition. Rule is discharged. No costs.

4.8.2000 [C.K. BUCH, J]
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